Item No 05:-

17/04141/FUL

Stratton Place
42 Gloucester Road
Stratton
Cirencester
Gloucestershire
GL7 2LA

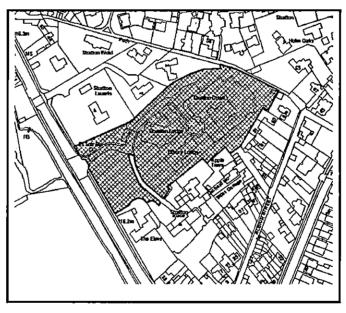
Item No 05:-

Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works (Variation of conditions 2 and 5 of 15/3052/FUL to amend the approved landscaping scheme) at Stratton Place

42 Gloucester Road Stratton

Full Application 17/04141/FUL		
Applicant:	Aura Care Construct	
Agent:	Hunter Page Planning Ltd	
Case Officer:	Mike Napper	
Ward Member(s):	Councillor Patrick Coleman	
Committee Date:	13th March 2019	

Site Plan



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RECOMMENDATION: PERMIT

Update: This application was first presented to Committee on 13.06.18, at which permission was delegated to officers to enable "securing the alternative scheme (or a further improvement thereon) set out within the submission of the residents' group" subject to consultation with the Committee Chairman and Ward Member. The report to the June 2018 Committee was as follows with current updates provided in bold text under the individual headings.

Main Issues:

(a) Landscaping details

Reasons for Referral:

The Ward Member, Clir Coleman, directed that the application should be determined by the Planning Committee due to the Committee's interest, when considering the 2017 permission, in ensuring that the effect on neighbours was appropriately addressed.

Update: The Ward Member, Cllr Coleman, wishes the current revised proposals to be considered by Committee in view of the continuing objections from local residents.

1. Site Description:

The site has permission for a care home development granted permission in 2015 (see Relevant Planning History), which is now in the process of occupation. The site is surrounded by residential development on three sides.

The application site is within a Development Boundary and is specifically allocated, under Policy 18 (Development within the Development Boundaries of Cirencester and the Principal Settlements) of the current Cotswold District Local Plan 2001- 2011, as an open space. The application site is the subject of three Tree Preservation Orders (TPOs) due to the public amenity value of many of the mature trees within the site.

2. Relevant Planning History:

10/03705/FUL Change of use and extension of existing leisure facility to provide a care home with 60 bedrooms and ancillary accommodation. Part permitted on appeal 12.07.2011;

11/05444/FUL Change of use to single dwelling. Permitted 13.01.2012;

11/05830/FUL Erection of seven detached dwellings. Permitted 17.08.2012;

14/02783/FUL Variation of conditions 3 (scheme of landscaping), 9 (design and details), and 11 (drainage works) in respect of application 10/03705/FUL: Permitted 12.06.15;

15/03052/FUL Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works (Revised scheme): Permitted 18.11.15.

17/01689/FUL Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works - Variation of Condition 2 (Approved drawings) pursuant to planning permission ref. 15/03052/FUL to revise drawings to include a lift overrun and associated change to the roof form of the care home and revised eaves height (east elevation): Permitted 08.11.17.

17/04658/COMPLY Compliance with Condition 29 (external lighting) of application 15/03052/FUL - Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works: Refused 13.06.18.

18/02743/FUL Variation of Condition 3 of planning permission 17/01689/FUL to allow the drainage works to be agreed after their installation in accordance with the submitted drainage strategy: Permitted 15.11.18.

18/02752/FUL Variation of Condition 1 of planning permission 17/01689/FUL to allow the provision of an amended terrace area to the Care Home: Permitted 05.09.18.

18/04095/COMPLY Compliance with Condition 29 (external lighting) of Permission 15/03052/FUL - Redevelopment to provide the erection of a 64 bed care home, 8 care suites, 34 assisted living units, ancillary accommodation and associated works: Pending decision (please see following Schedule item).

3. Planning Policies:

NPPF National Planning Policy Framework EN7 Trees, Hedgerows & Woodlands EN2 Design of Built & Natural Environment

4. Observations of Consultees:

Landscape Officer: No objection.

Tree Officer: No objection.

5. View of Town/Parish Council:

Cirencester Town Council: Support.

6. Other Representations:

Local Residents' Group (LRG):-

"This response relates to the new details shown on the plan reference 15132.201 rev. H filed on the website on 27th November 2017. We would also draw attention to our previous response dated 13th November which contained a number of general points.

The committee will recall that, in the course of consideration of 17/01689/FUL at the meeting on 8th November, the Minutes of the meeting recorded:

A majority of those Members [who had attended the Sites Inspection Briefing] considered that the development appeared to have an overbearing impact on existing houses in Albion Street,, and that it presented a stark image.

.... A Member expressed the view that residents" objections could be overcome by mitigation.. Other Members considered that the impact of the development on existing houses in Albion Street appeared to be significant and that significant mitigation would therefore be required.

Residents in Albion Street are looking to the landscaping plan to deliver a significant degree of mitigation to protect us from the overbearing aspect of the development as built (rather than as previously approved). We expect that members of the committee will bear in mind their previous discussion and the need for 'significant mitigation' to be demonstrated by the landscaping plan.

Additionally, we would like to emphasise that, in considering this application, it is important to look at both the landscaping plans and the proposed drainage scheme together, as the scheme of drainage runs will have a direct impact on the feasibility of the planting scheme, especially where tree planting is proposed. A direct comparison of drainage and landscaping plans together will demonstrate how there could be an impact on implementation, and it is important to be aware of conflicts between the path of drainage runs and planned tree planting, to ensure that landscaping plans can be implemented without conflicts. We note that, as yet, the drainage application (17/

The screening that was in place at the end of the private road off Albion street has been removed, resulting in an unimpeded view of the buildings of the development at an elevated level, increasing the visual impact from the public realm.

I attach an excerpt from the filed plan:

At point A, in the previous plan there were two trees, positioned in a key location to mitigate the impact of the buildings. These have now been replaced by shrubs which completely removes the mitigation effect. These trees should be reinstated. The landscape officer has observed that they may prove a maintenance issue: that is for the property management company to deal with and should not be used as an excuse to remove mitigation.

At point B, the view from Albion Street (lane) - which is in the public realm - is totally exposed. A single line of tree planting will not prove sufficient to mitigate the looming and overbearing effect of the development from this viewpoint, and tree planting in some depth should be provided here.

That would also help to mitigate the effect of the additional hard landscaping proposed. This is also an area where drainage works are planned, so it is possible that proposed tree planting will be compromised.

At point C, a large concrete manhole has been constructed, and we assume drainage runs coming and going from it. The committee should be entirely satisfied that the proposed trees shown in this area will not be in any way compromised by the drainage. (This is an instance where the landscaping and drainage plans should be examined side by side.) . In any event to ensure adequate planting we would suggest more trees where shown rather than the sitting out area. We believe if the sitting area is provided it will reduce the necessary planting area.

We note that some planting is specified at 3.8-5.0 metres height at the time of planting: we would suggest that this specification be extended to all tree planting in the scheme, in order to provide an immediate degree of mitigation (rather than waiting for tress to grow to maturity over a period of time.

We also note that the degree of screening on the boundary with Stratton Laurels appears to be totally inadequate, and will result in significant intrusion and loss of privacy to these properties. Overall, we are dismayed to note that the overall quantum of tree planting proposed is significantly less than what was included in the original, consented scheme. The additional trees requested as part of this representation are essential as an absolute minimum if this scheme is to be regarded as satisfactory.

We suggest that this application be refused, and the developer requested to come back with a further, improved scheme that addresses the issues raised in this and our previous representation.

We further suggest that committee members make a sites inspection visit to see for themselves where the proposed planting is located, and to evaluate the likely mitigating effect of the development on surrounding properties in Albion Street and Stratton Laurels."

Local Residents' Group later comments:-

"We have reviewed the amended landscaping plan (revision K) and are pleased too see that he applicant has taken note of the requirement for the additional planting and that these are to be planted into a bed and not containers. It is crucial this is fully implemented.

However we are concerned to note that this is the only apparent change to the plans previously submitted and appear to take no account of comments previously submitted (24 April, 3 January, 20 December 2017, 13 December etc.). We are especially extremely concerned that no change has been made to the inadequate planting at the end of the lane off Albion Street. The planting at this location achieves little or no mitigation against the bulk of the buildings on the development site and the overbearing effect visible from the public realm. Again we urge the Council to require a level of planting screening mitigation that is better than that originally approved, as agreed to be necessary to mitigate the additional impacts of the building. In any event the current proposals amount to a significant reduction compared to the originally approved plan in the planting that was to be provided to mitigate this view and the proposals remain unacceptable in this regard. Also as previously noted the extensive hard surfacing particularly in this location is also at odds with the approved proposals. We have previously suggested that these shortcomings could at least be improved by creating a bed of the currently pavioured arc in this zone and planting 3 additional significant trees. Otherwise the planting mitigation here is solely relying on a single line of trees which is wholly insufficient.

We note the proposals still indicate the removal of one of the 2 large conifers. However the implemented scheme on site currently retains both and appears to do so quite happily. Both trees should be retained.

We reiterate (again) comments made previously regarding the need for adequate mitigation and suggest that the committee should consider this in the light of the comments made when the previous consent was granted. Please refer to previous comments made by this group on this aspect. Again, we call for the application to be considered by the planning committee and for members of that committee to undertake a sites visit in order to be able to evaluate the mitigation (or lack of) afforded by tihs landscaping scheme."

Update: Local Residents' Group's post-Committee comments:-

"I have reviewed the current proposals as shown on the revised drawing 15132.201 revision N. I am happy to support what has been agreed as far as it goes, particularly in respect of the tree works, additional fencing etc on the boundary with Stratton Laurels.

However it is an open question whether what is reflected in this drawing will in fact achieve the 'significant mitigation' on the Albion Street boundary intended by the Planning Committee at the November 2017 meeting. On this boundary, and especially when viewed from the side road (in the public realm) the proposed additional planting will offer very little mitigation of the view of the buildings in the development, especially as the site level renders the built structures higher than originally envisaged. The developer has preferred to amend the proposed landscaping scheme on an iterative basis rather than rethinking this area of the site from first principles. Ideally the hard landscaping along this boundary would be substantially rethought and revised and significant additional planting / hedging introduced to achieve the screening that was intended. Currently this is inhibited by the hard landscaping that has already been installed.

It is really important that the boundary between the development and Albion Street is adequately mitigated in terms of screening to offset the acknowledged overbearing effect of the buildings in the Stratton Court development on the surrounding residential area."

Most recent Local Residents' Group comments:-

"I am responding to the latest version of the drawing on which this application is based, posted 21st September.

The only difference between this iteration (rev P) over the previous version is the deletion of proposed tree works previously proposed to existing trees T23, 26, 32, 37, 79 and 81, principally along the border with Stratton Laurels (with the exception of T79 and 81 Copper beech). (I am not aware as to whether these works may already have been completed.)

Once again, the applicant has failed to take the opportunity to offer enhanced mitigation of the overbearing effect of the buildings on the site when viewed from Albion Street properties and in the public realm. Despite further positive suggestions from residents for additional planting to achieve such mitigation, on top of what had already been informally agreed, no attempt has been made to include such planting. As I have stated previously, for example in my comments posted on 21st September, I am happy to support what is proposed as far as it goes; but it is an open question for the committee whether the totality of the proposals offer the "significant mitigation" intended by the committee as indicated at the meeting on 20th November 2017. As it stands, the current and proposed planting offers little or no mitigation, and even after the passage of several years, given their height, mass and uncompromising exterior finish, the buildings comprising Stratton Court are likely to be intrusively visible from the public realm in Albion Street. I renew my call for the developer to revisit this landscaping proposal from first principles rather than simply submit minor amendments on an iterative basis.

Please refer directly to the comments I made earlier (21st September) as these still stand."

and with the following later addendum:-

"Further to my comment on this application submitted earlier today, I now understand that the three (sic) works deleted from this application since the previous version (rev N, succeeded by rev P) have in fact not been carried out.

Given that the applicant, in the course of discussions with the residents of Stratton Laurels, undertook to carry out these works, and that the works were considered urgent and necessary, I fail to understand why they have been deleted from the current drawing (rev P); and would urge the officers and the committee to ensure that the tree works are reinstated and to set a time limit for their completion as a condition of the consent should such consent be forthcoming."

- 14 Third Party letters of Objection summarised in the following statements:-
- i) "Now that the immensity of the building mass and over development on this site has been revealed it is imperative that every step possible to achieve some modicum of privacy for surrounding dwellings is taken. At this late stage a huge responsibility is thrust upon the Case Officer and the Tree Officer to attempt to redeem the sad overlooking/proximity situation which has been allowed to be imposed on the surrounding property owners. The original Planning Approval can now be seen to have been ill judged by CDC Planning Staff."
- ii) "I wish to object to the proposed landscaping scheme, specifically the intended removal of the mature vegetation along the boundary from Appletrees, incorporating the Albion Street cul-desac, and extending to 51 Albion Street, hence referred to as "the boundary".

I refer to the only other documentation I have received concerning the landscaping/development; a letter dated the 20th November 2015 from Aura Care Construct. The plan that accompanied the letter shows a dense configuration of large trees adjacent to "the boundary". The letter also stated and I quote:

"We fully intend to ensure our works respect retained trees alongside the site boundaries..."

I was accepting of the proposals on the basis that the mature trees were to be kept and would effectively screen any development. I was/am therefore upset to witness the extended and continued removal of the mature vegetation along this boundary which up to very recently did form an exceptionally effective screen to what is a large, overbearing structure; in my view, negatively impacting on the surrounding environ and neighbouring dwellings. The recent removal of a large Laurel has now fully exposed the new development to the cul-de-sac and Albion Street.

Having reviewed this landscaping scheme, I note that the trees along this part of the site boundary are proposed to be removed. Unfortunately, this is a bit late, as most of the trees have already been felled.

I would comment that it is essential that the replacement planting provides an effective vegetative screen from the outset. The removal of the mature tree screen has exposed an overbearing and intimidating structure to what is effectively a village environment. I contend that the replacement screening should comprise a selection of mature and semi-mature trees that will quickly interlock to form an effective screen in the short term. I also object to the proposed increased in hardstanding provision in this area. The consequence of which is limiting to the opportunity for remedial planting and detrimental to the provision of an effective screen.

Furthermore, there are only three sizeable trees left that give any semblance to the mature trees that once adorned the boundary of the site in this area (two mature conifers and I believe a hornbeam?). I would comment that these trees do still form a screen to the development and should therefore be retained."

- iii) "1. We are concerned about the Plant Schedule. It appears that approximately fifty percent of the boundary between The Walled Garden and the development will have no effective screening and yet behind us will be a social area. Trees of sufficient height need to be planted
- along this border. We have great concerns with regard to privacy, light and noise from the social area. Presumably the residents of Stratton Place will also want to be screened from any noise coming from the Walled Garden should one of us be mowing the lawn or sitting out in our garden with friends. There does not seem to be any logic in providing screening which excludes the area which is most likely to have people close by.
- 2. In the case of the remaining fifty percent of the border the choice of trees seems reasonable but it does not appear to be clear that they will be of sufficient height until they reach maturity. Years could pass before an effective screen is in existence. A height of some 4 metres is required at time of planting."
- iv) "Due to the size of the development and its imposition on those that live in the vicinity, as has been said, it is imperative that every step possible is taken by the planning authorities to preserve some modicum of ongoing privacy for the surrounding dwellings."
- v) "I live in Appletrees, directly next to the property. I STRONGLY object to the scheme and the REMOVAL of MATURE screening from the ugly overbearing development and the loss of CONSIDERABLE privacy.

There is currently a very mature Hornbeam hedge - that was circa 40 feet high, and closely planted to provide screening - until this was recently butchered - in preparation for this proposed scheme. The mature Laurel and others - at the end of the private road have all been removed exposing banks of built buildings and raised banks, circa 8 feet above the top of the boundary wall = dwarfing my bungalow. The site levels are REALLY important and it appears that the buildings are much higher than envisaged on the (complex and very difficult technical) planning papers.

It has been tragic to witness the destruction of the mature site - with many trees removed and not to be replaced. I would HATE to see the site replaced with a 'Disneyfication' scheme with low planting that COMPLETELY removes the privacy that I had been promised when the application was granted. The mature site was protected by the Planning Inspector at previous planning inquiries - and hailed by Linda Lloyd/Max Banham when the site was Le Spa - as the prefect tranquil place for a relaxing spa. This proposal MUST be defeated and the site protected and returned to the mature treasure that it provided to the oldest part of Stratton village.

The Hornbeam hedge must remain - or atleast replaced (as it has been butchered in the scramble to defy the planning process) by a substantial MATURE close planted hedge perhaps Yew or a Beech hedge that holds its leaves in winter - particularly as this is the only screening for my property and garden from the new elevated ROOF terrace. The tall evergreen trees should BOTH stay as the curved one does provide substantial screening form the new high rise Care home.

There must be a reinstatement of the planted screening (some 20 feet) at the bottom of the private road - especially as the built levels tower of the ground level and are considerably above the level at the top of the boundary wall."

vi) "I would object to the variation of Conditions 2 and 5 in its current state as the proposed planting adjacent to Albion Street Lane on the western boundary as currently proposed can only be considered to be wholly insufficient.

The planting proposed should be extra heavy standard trees as proposed elsewhere on the site rather than shrubs in order to reduce the overbearing effect that the development currently has on the public realm and residential amenity following the removal of the existing boundary screening.

I would suggest that members avail themselves of a site meeting prior to consideration of this application."

- vii) "Further to my letter of objection dated 2 November 2017 I wish to express my extreme concern at the off-hand stance of the Cirencester Town Council in offering no objection to this application. Surely it is their duty to support the surrounding residents who are clearly suffering major distress and fear for their future living conditions as a direct result of this immense ill-considered profit orientated scheme. It is essential that the Planning Authority get this sorted out. I also take the opportunity to request that the CDC Environmental Officer ensures that no catering smells will be allowed to affect the surrounding locality as clearly with the enormous number of residents planned there will be constant and extensive catering taking place. Efficient filtering of fumes/smells must be in place from the start and of course be maintained."
- viii) "As relatively new arrivals to Albion Street I would like to add our support to the submission by the Albion Street Residents' Association. The structure will clearly have an overbearing impact on many of the houses in Albion Street. It is essential that the new trees that are planted are of sufficient maturity to ensure that the developers mitigate this effect."
- ix) "Please find attached a photograph taken today from the window of the primary bedroom at my property 51 Albion Street, which shows the elevated ground at the Stratton Court development. The latest (proposed) landscape proposals show this space containing a seating area, and what I understand to be a water feature (though it does not say on the plan). The congregational use of this space is of a concern in this proximity to our primary bedroom and this concern is heightened by the relative levels.

We are also concerned that lighting of this space for a congregational use, however modest, will unduly impact our bedroom area.

Accordingly we would raise this as an objection to this part of the current proposals, but this could be overcome by the reduction in the extent of the congregational area and corresponding increase in the extent of tree planting. This suggestion is marked on the attached plan.

This areas was more comprehensively tree planted across the whole space on the approved landscaping plans. As the Planning Committee recently noted, an increased level of tree planting mitigation is appropriate in the vicinity of this boundary.

The edges of this raised area do appear to be very steep, and it is of concern that the currently proposed trees may not succeed on such a steep bank. If the bank steepness were reduced and the tree planting extent increased, as noted above, this would be helpful.

A suggestion along these lines was made previously to the developer but he was resistant to it (although he did make some other changes). However now the ground is shaped ready for the landscaping and the levels are apparent, it does seem that this is a reasonable and necessary step that is required to be accommodated on the plans in order to make them acceptable, and to preserve my amenity."

x) "I am writing to endorse all the comments made by Jeremy and Daniella Drew in their email of 1st January 2018 (posted 2nd January). I agree with their general comments and their detailed suggestions for mitigation of the overbearing nature of the built form on this development. It is increasingly clear that the developers are implementing a landscaping scheme that is neither the originally consented scheme nor the scheme depicted on the drawings submitted as part of this application, but a variation on the latter that depletes the mitigation offered by tree planting on the NE boundary (adjacent to Albion street properties) even further, the additional hard landscaping (tarmac surfacing) now in place reduces the potential tree planting even further. This goes completely against the views expressed by the committee members at their meeting on 8th November in respect of their consent to application 17/01689 when it was acknowledged that the built form had an overbearing effect on the adjacent properties in Albion Street and this required a strong degree of mitigation (see minutes of that meeting). This application should be refused

pending a revised scheme being drawn up, and enforcement action should be taken to ensure that it is a consented scheme that is implemented."

- xi) "We object to this amendment (Landscape plan ref. 15132.201 rev H) to the planning application on 3 fundamental points:
- 1. We have not been consulted on the amendment as specified in the covering letter to the amendment. In addition none of our neighbours in Stratton Laurels, who also share a boundary with the development, have been consulted.
- 2. Promises and undertakings made to us by Aura at the time of the original planning application 2 years ago are either not specified in this amendment or are not clear.
- 3. The development is grossly overbearing and requires very significant mitigation measures on the boundaries with all neighbouring properties.

Significant Concerns

We have one of the longest boundaries with the Aura development but we do not have ANY mitigation measures from the effects of the development. Our boundary is a 'soft boundary without any form of hard partition on the boundary. Privacy, noise, light pollution, weed and growth intrusion and overgrowing trees have all been concerns.

During construction all our concerns have developed into real issues and unless the remedial action promised to us by Aura 2 years ago is taken these 'real issues' will continue when the care home becomes operational.

The service road for the development is along our entire boundary and only a matter of feet from our garden. We suffer constant noise from traffic, and innumerable construction personnel looking directly into our property (living room, garden, summer house).

Wrt (sic) light pollution the surface car park for 5 vehicles has now been commissioned. The headlamps from vehicles using this car park shine directly into our living room (and garden and summer house). We objected to the siting of this car park at the time of the original application.

The drawings submitted with the amendment are not clear wrt the treatment of trees, shrubs, weeds undergrowth nor on the erection of a fence or the installation of a root barrier.

Wall lights have appeared on the wall of the development which faces us. They illuminate this part of our property and the full height of the trees. The external lighting plan has yet to be approved by the planning authority and we have formally objected to the wall lights as they are not low level lighting, which we were promised 2 years ago, we have not been consulted on their installation and, most of all, they illuminate a part of our property we do not want illuminating and therefore find very intrusive.

All the above will continue to be real issues for us when the care home becomes operational, residents occupy their properties, visitors, staff and service and maintenance vehicles come and go i.e. we will have to live with the loss of privacy, light pollution, weed and growth intuition, overhanging trees, noise etc for the rest of our lives.

Two years ago Aura directors, senior site personnel and Aura advisors made promises to us on all our above concerns in emails meetings and telephone calls (We have archive evidence of this if required).

Aura promised to:

- erect a 2 m fence along our boundary (to address privacy, light pollution, noise).
- plant mature vegetation (to absorb noise and offer some additional privacy and light protection)
- control intrusive weed and vegetation growth into our property
- install a root barrier (weed and vegetation intrusion)
- install only low level lighting (minimise light pollution)
- manage mature trees to keep them healthy. Remove dead and hazardous trees

As we had not been consulted and the drawings are not clear I asked for a discussion with Asura. After a number of attempts the Project Manager came to see us last week. He could not give us assurances on any of the above promises made 2 years ago.

We therefore object to the totality this amendment until the following are made conditions of approval:

- Aura consult all residents of Stratton Laurels treat our concerns seriously and take our concerns into account.

- Aura erects a substantial 2 m fence along our boundary.
- Aura undertake to remove all the intrusive weed and undergrowth penetrating into our property and have a plan to prevent regrowth.
- Aura install a root barrier.
- Aura remove the wall lights.
- Aura manage the healthy trees in a sensitive and sustainable way and remove dead and dangerous trees.

I take this opportunity on behalf of the residents of Stratton Laurels, to invite members of the planning committee to visit our property and experience the impact the development has had, is having and will continue to have on us all."

Update: Comments previously reported to June 2018 Committee on Additional Pages:-

"I support that stance and comments made by Mr Forbes on behalf of Albion Street Residents Group on the 11th June 2018. The planting will not soften the appearance of the building and additional planting is required. As he has said an omission of 14 trees with a

replacement of 3 is not acceptable. As Mr Ponting also said the the Planning Committee should visit the site to understand what the

residents are facing due to the overbearing height and close proximity to homes of the development."

"I write again to object to the over development of the site and loss of privacy and amenity to the established residential properties surrounding the site. I particularly support the objections and comments made by the Albion Street Local Residents Group in their letter to CDC Planning dated 18 May 2018. It is essential in my view that the Planning Committee visit the site to see for themselves the situation which the Residents Group are facing due to the overbearing height and close proximity to their homes of the new development by Aura, and the lack of screening thereof."

Update: Further comments since June 2018 Committee:-

"I make these comments on behalf of the residents of Stratton Laurels which share a boundary with this development. Ensuring the timely completion of all the works shown in the application is the sole reason for the Objection by the residents of Stratton Laurels.

For over 3 years residents have been attempting to agree with the applicant sympathetic treatment of their boundary with our property for safety, security, natural light and general amenity issues.

The drawings attached to this application are acceptable to residents IF ACTIONED IN A TIMELY MANNER. In discussions between Stratton Laurel residents and the applicant last month the applicant stated they would not action the work on our shared boundary until there were no objections on any aspect of ANY boundary of this current application i.e. not just the boundary with Stratton Laurels. The applicant went as far as to say they envisaged a 12 month delay until the autumn of 2019. Such a delay is totally unacceptable to the residents due to the reasons stated above. We therefore request that a reasonable deadline for the completion of the work on the Stratton Laurels boundary be set as a condition of granting the application."

"This objection is on behalf of the residents of Stratton Laurels who share a boundary with this development.

Before submitting the version of the landscaping plan which immediately preceded this latest version the application met with the residents of Stratton Laurels and undertook to do various tree works on the shared boundary.

These agreed tree works have now been removed from this latest version without any further discussions with residents. Residents therefore object to this current version of the plan. Said tree works must be reinstated.

Residents also request the CDC set a timescale for such works as work on this boundary has been discussed for over 2 years and no progress has been made. The timescale should apply to the erection of the fence as well as the tree works."

7. Applicant's Supporting Information:

Landscaping scheme

8. Officer's Assessment:

This application is made under section 73 of the Planning Act 1990, which allows for variation or removal of conditions and, in doing so, allows applicants to seek minor material amendments to an approved development where there is a relevant condition that can be varied. As such, the Council is only able to consider the effect of the proposed variations, rather than to re-consider the principle of the development or matters of detail that fall outside of the proposed variations.

In this case, permission is sought to amend the landscaping proposals approved under the 2017 permission, which necessitates the variation of two of the conditions attached to it. A copy of the approved landscaping scheme is attached to this report. The relevant conditions are conditions 2 (List of approved drawings) and 5 (Development in accordance with a specified landscaping drawing). As the application relates to the variation of conditions, the consideration of the application is limited to the effect of the revised landscaping proposals. Whilst the requirement of Condition 2 is for accordance with the listed approved drawings, the wording of Condition 5 is as follows:-

"Landscaping of the development hereby permitted shall be undertaken in accordance with the submitted 'Landscape Strategy' and 'Proposed Boundary Works' drawings (ref. 15072.102 Rev. A and 15072.103 respectively). Landscaping on the boundary of the site shall be completed by the end of the first planting season following the start of construction and the remainder by the end of the planting season immediately following the development being brought into use or occupied.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45."

(a) Landscaping details

Although permission for the overall redevelopment of the site was granted in 2015, retrospective revisions permitted under the 2017 application resulted in additional impacts on neighbouring residential properties (principally the raising of eaves height of part of the building facing Albion St), and the amended landscaping scheme, which is the subject of the current application, was pending at that time. The applicant has revised the landscaping scheme with the purpose of responding to the concerns of residents regarding the previously approved scheme, particularly in terms of loss of privacy, and to make other changes to the landscaping scheme "to better integrate the

development with its context and to provide better communal spaces, improving integral design". The applicant has stated that active engagement has been unilaterally undetaken with local residents to understand their concerns. The proposals therefore contain the following revisions:-

- i) Amendments to external landscape and courtyards areas to include focal points and additional seating;
- ii) Inclusion of external circular mobility buggy track;

- iii) Inclusion of new retaining structure to replace existing wall along northern boundary;
- iv) Reconfiguration of private terraces; and
- v) Omission to gates and piers leading to Stratton Place 1-4.

As a result of the additional impacts, Planning Committee directed that the new landscaping proposals should also demonstrate the best possible solution for the protection of the amenity of the neighbouring residents. As a result, the proposals have been subject to extensive assessment and negotiation, which has now resulted in what officers consider to be an effective scheme that would meet the Committee's expectations.

A copy of the final landscaping scheme is attached to this report, which shows its full details. together with a copy of the currently permitted landscaping scheme from 2017. In summary, however, the revised proposals show a 2 metre high close-boarded fence along the full length of the north-west boundary together with tree and hedge planting behind it. Where previous vegetation has been unmanaged, the planting proposals include more appropriate and effective species (e.g. previous cypress hedge to be replaced with laurel). In some instances and in agreement with the Council's Tee Officer, trees in poor condition or of an inappropriate species have been removed. The north-eastern (Albion St) boundary would comprise a 2 metre louvred fence mounted on a 450mm high retaining wall with new hedge planting behind it. The circular mobility buggy path would lie behind this hedge and new tree planting of two rows in depth, with some of more mature stages of growth (e.g. 3m high birches and 1.75m high hazel) together with shrub planting below, would be provided between the path and the building itself. There would be glimpsed public views from Albion Street of the latter planting and further tree and hedge along the south-eastern boundary and officers consider that these views and the associated impact on neighbours along this boundary would be improved relative to the more sporadic planting previously approved. Whilst it is inevitable that the facade of the building will always be a dominant, and arguably overbearing, feature particularly along the north- and south-eastern boundaries, the proposed planting would have the effect of visually softening and filtering those views, and increasingly so over time. Officers consider that the additional planting suggested by the Local Residents' Group in this location would add little material benefit, and that the current proposals show a greater density of planting than previously approved.

In terms of hard surfacing, the use of natural-coloured bound resin and paviours allied with natural York stone paving is now proposed, although tarmac is proposed for the pedestrian/buggy paths for ease of movement.

Update: Following Committee's resolution from the June Meeting, officers forwarded the drawing submitted by the Local Residents' Group to the applicant's agent requesting that the suggested landscaping revisions should be addressed. A copy of the Residents' Group drawing is attached to this report, together with the latest amended drawing that provides the applicant's response to it.

In order to address the Committee resolution, in the area between the building and the Albion St boundary the proposals now include some additional tree planting and the retention of a tree previously shown to be removed. Along the (western) boundary with The Laurels and following consultation with local residents, the proposals now show a combination of new 2m high close-boarded fencing, new evergreen hedge planting and tree planting, both to strengthen the existing planting where it is to be retained and to mitigate the removal of currently inappropriate or ineffective vegetation.

The proposals also include tree management works to mature beech trees that are individually protected by Tree Preservation Orders. The proposed works result from the concerns of local residents regarding the effect of the relevant existing trees on their amenity. Due to the statutory protection afforded to the trees in question, separate consent would be required for the works shown, although officers are content that the works are

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likely to be acceptable having regard to the tests of amenity that would be applied in assessing them.

Officers therefore recommend that the wording of the landscaping condition (Condition 5) reads as follows:-

(i) With the exception of the proposed works to trees protected by Tree Preservation Orders, the landscaping of the development hereby permitted, including erection of fencing and the other annotated boundary works, shall be undertaken in its entirety in accordance with the submitted 'Soft Landscape Proposals' drawing (ref. 15132-201 Rev. P). The said landscaping shall be completed by the end of the first planting season following the date of this decision notice. In the case of works to trees protected by Tree Preservation Orders, the proposals will be subject to separate consent, application for which shall be made within 3 months of the date of this decision and the works shall be completed within 3 months following consent being granted.

{\b Reason:} To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

9. Conclusion:

Around the site boundaries, the effectiveness of the combination of appropriate tree, hedge and shrub planting and erection of fencing would mitigate the effect of the building's close proximity to the adjoining dwellings and in glimpsed public views. Officers are content that the proposals offer a good and improved solution for local residents relative to the previously approved scheme, that would also be in keeping with the development itself. Consequently, permission for the variation of the relevant conditions is recommended to incorporate the revised landscaping scheme. Given that the development is now occupied, officers recommend that the wording of the new landscaping condition is varied to require completion of the landscaping scheme by the planting season immediately following the date of the decision notice.

Update: In addition to the conclusions previously reported to Members, officers consider that the additional landscaping works now proposed following the June 2018 Meeting appropriately respond to Committee's requirement to provide mitigation for existing residents living adjacent to the site. The landscaping would also increasingly provide a filter to the external lighting of the development, having regard to the lighting proposals the subject of the following Schedule item.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing number(s): A151004 1427/PA/200 Rev. B, A151004 1427/PA/201 Rev. B, A151004 1427/PA/202 Rev. B, A151004 1427/PA/301 Rev. A, A151004 1427/PA/302 Rev. A, A151004 1427/PA/303 Rev. A, A151004 1427/PA/304 Rev. A, A151004-AL(0)41 Rev. L, A151004-AL(0)42 Rev. K, A151004-AL(0)43 Rev. M, A151004-AL(0)44 Rev. L, A151004-AL(1)103 Rev. S, and 15132-201 Rev. P.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

The works comprising the external enclosure of the lift overrun, as shown by the approved drawings, shall be completed in their entirety prior to the occupation of the development.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2 and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community, in accordance with Cotswold District Local Plan Policy EN15 and the provisions of the NPPF.

No phase of the development, including demolition or site clearance, shall be commenced until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), to ensure the protection of retained trees during the construction period within that phase, have been submitted to and approved in writing by the Local Planning Authority. The matters to be encompassed within the AMS and TPP shall include, but not necessarily be limited to, the following:-

- i) a specification for the pruning of, or tree surgery to, trees to be retained;
- ii) the specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS5837 2012, and details of the timing and duration of its erection and dismantling:
- iii) the definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing cement or concrete, and fuel storage;
- iv) the means of demolition of any existing site structures and of the reinstatement of the area currently occupied thereby;
- v) the specification and routing and means of installation of drainage or any underground services within the typical radial root protection areas of retained trees;
- vi) the details and method of construction of any other structures such as boundary walls and alterations to existing ground levels within the typical radial root protection areas of retained trees; vii) the details and method of construction of any roadway located within the typical radial root protection areas of retained trees in accordance with BS 5837 and current industry best practice; and as appropriate for the type of roadway required in relation to its usage;
- viii) Provision for the supervision of any works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority

The findings of the AMS and provisions of the TPP shall thereafter be implemented in full in accordance with the approved details prior to the commencement of works on site, including demolition or site clearance, and for the duration of the construction of the development.

Reason: To safeguard the retained/protected tree(s) in accordance with Cotswold District Local Plan Policy EN7. It is important that these details are agreed prior to the commencement of development as works undertaken during the course of construction could have an adverse impact on the well being of existing trees.

With the exception of the proposed works to trees protected by Tree Preservation Orders, the landscaping of the development hereby permitted, including erection of fencing and the other annotated boundary works, shall be undertaken in its entirety in accordance with the submitted 'Soft Landscape Proposals' drawing (ref. 15132-201 Rev. P). The said landscaping shall be completed by the end of the first planting season following the date of this decision notice. In the case of works to trees protected by Tree Preservation Orders, the proposals will be subject to separate consent, application for which shall be made within 3 months of the date of this decision and the works shall be completed within 3 months following consent being granted.

Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy EN2.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy EN2.

No development shall take place until a 5 year landscape and ecological management plan for the site, based upon the recommendations within section 6 of the 'Preliminary Ecological Assessment' (report number RT-MME-119907-01), by Middlemarch Environmental dated June 2015, and the 'Soft Landscape Proposals' drawing 15132.201 Rev. P, has been submitted to and approved in writing by the Local Planning Authority. The provisions of the said management plan shall thereafter be permanently implemented in accordance with timescales to be included and agreed within the management plan.

Reason: In the interests of the character and appearance of the site and surrounding area in accordance with Cotswold District Local Plan Policy EN2 and to ensure that the biodiversity of the site is protected and enhanced in accordance with the Wildlife and Countryside Act 1981. It is important that these details are agreed prior to the commencement of development in order to ensure proper management of the landscape and biodiversity at the site both during and following the construction of the approved scheme.

No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the submission of the findings which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that items of archaeological interest are properly recorded. Such items would potentially be lost if development was commenced prior to the implementation of a programme of archaeological work. It is therefore important that such a programme is agreed prior to the commencement of development.

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by

the Local Planning Authority prior to further works taking place on site. The said remediation scheme shall include provisions to be made to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and a timetable for the completion of the remediation works. The approved remediation scheme shall be implemented in accordance with the said scheme.

Reason: To prevent pollution of the environment in the interests of the amenity in accordance with Cotswold District Local Plan Policy EN15 and the NPPF.

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall:-

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control and supress the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway and nearby residents, in accordance with Cotswold District Local Plan Policies EN15 and INF4 and the provisions of the NPPF. It is important that these details are submitted and approved before the commencement of any works on site to minimise the impact of construction/demolition vehicles on the local highway network and neighbours.

Prior to beneficial occupation of the development hereby permitted, car parking to incorporate 50 spaces including a minimum of seven disabled spaces and two electric vehicle charging points within the site shall be provided, and no part of the development shall be occupied until the approved works have been completed. The approved works shall be permanently maintained as such thereafter.

Reason: To reduce potential highway impact, in accordance with Cotswold District Local Plan Policy INF5 and the provisions of the NPPF.

Prior to beneficial occupation of the development hereby permitted, secured and covered cycle parking numbering a minimum of 10 spaces within the site shall be provided, and no part of the development shall be occupied until the approved works have been completed. The works shall be permanently maintained as such thereafter.

Reason: To reduce potential highway impact, in accordance with Cotswold District Local Plan Policy INF5 and the provisions of the NPPF.

Prior to beneficial occupation of the development hereby permitted, the vehicular turning facilities shall be provided in accordance with the submitted plan and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with Cotswold District Local Plan Policy INF4 and the provisions of the NPPF.

The external walls of the development hereby permitted shall be built of artificial Cotswold stone and render.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

The roofslopes of the development hereby permitted shall be covered with artificial Cotswold stone slates.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policies EN2 and Appendix D, and the provisions of the NPPF, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

The development shall not start until samples of the proposed walling and roofing materials have been approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

The development shall not start until sample panels of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar, and of render, showing the proposed colour and testure, have been erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panels. The panels shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2 and Appendix D and the provisions of the NPPF, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panels on site during the work will help to ensure consistency.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the buildings.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, and the provisions of the NPPF.

No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, and the provisions of the NPPF.

No development shall commence until the design and details of external doors, windows, balconies and external balustrades have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:20 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, and the provisions of the NPPF.

No works of demolition shall take place within the application site until the Local Planning Authority have received and approved in writing an architectural recording of pre 1948 structures within the site from the applicants or their agents and successors in title. This work will be carried out in accordance with the Written Scheme of Investigation previously submitted or to an alternative standard recognised by Historic England and agreed with the Local Planning Authority.

Reason: In order to preserve a record of and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible in accordance with paragraph 199 of the NPPF.

The development hereby permitted shall be carried out in accordance with the approved finished floor levels plans (as submitted 28.10.15)unless otherwise agreed in writing with the Local Planning Authority.

Reason: It is important to ensure the accuracy of the height of the elements of the development in relation to existing levels and structures both on and off the site, in accordance with Cotswold District Local Plan Policy EN2 and Appendix D, and the provisions of the NPPF.

Prior to the occupation of the care home building, the first floor windows of the south-east elevation (as shown by drawing ref. 1427/PA/313) shall be installed with opaque glazing and shall be permanently maintained with the said opaque glazing.

Reason: To ensure that the privacy of occupants of neighbouring properties is maintained, in accordance with Cotswold Distrct Local Plan Appendix D, and the provisions of the NPPF.

For purposes of clarity and the avoidance of doubt, the application site, as a planning unit, shall be used only for C2 (Residential Institutions) use, and for no other purpose, including any other purpose in Class C3 (Dwelling Houses), of the Schedule to the Town and Country Planning (Use Classes) Order 2010 or the equivalent to that Class in any statutory instrument amending or replacing the 2010 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 1995.

Reason: It is essential that the Local Planning Authority retains control over the use of the development, in accordance with Cotswold District Local Plan Policies H2, H4, INF4 and INF5, and the NPPF.

No demolition or construction works shall be undertaken at the site before 0730 on weekdays and 0800 on Saturdays nor after 1800 on weekdays and 1400 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Cotswold District Council Plan Policy EN15 and the National Planning Policy Framework.

Prior to the development being brought into use, surface water attenuation/storage works for the extension/dwelling hereby permitted shall be provided by the installation of a functioning water butt(s) (minimum capacity 200 litres) in position(s) to be agreed by the Local Planning Authority. The water butt shall thereafter be permanently maintained in working order in the agreed position unless an alternative siting is approved in writing by the Local Planning Authority.

Reason: To enhance water conservation and as a precautionary measure to reduce the possible increased risks of flooding associated with water runoff.

Prior to the care home (other than the Assisted Living Units) being brought into use, a scheme for treating fumes (e.g. from boiler plant) and cooking odours, so as to render them innocuous before their emission to the atmosphere, shall be submitted and agreed in writing by the Local Planning Authority. The means of treating the fumes and cooking odours shall be installed and be operational before the development is brought into use or occupied and shall be maintained in accordance with the approved details thereafter unless otherwise agreed in writing by the Local Planning Authority.

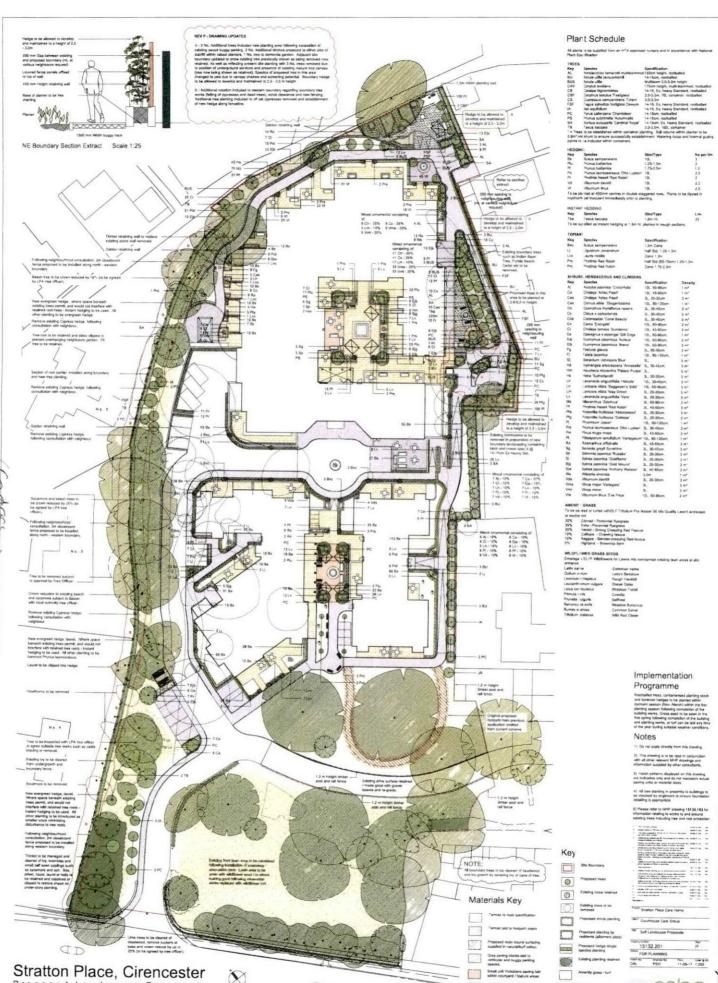
Reason: To ensure that any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused in accordance with Cotswold District Local Plan Policy EN15 and the provisions of the NPPF.

Prior to the care home (other than the Assisted Living Units) being brought into use, a scheme which specifies the provisions to be made for the control of noise emanating from the development shall be submitted to and agreed in writing by the Local Planning Authority (including details of inlet and extract ventilation). The noise mitigation scheme shall be completed in accordance with the approved details prior to the care home being brought into use and thereafter permanently maintained and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living nearby and/or working nearby, in accordance with Cotswold District Local Plan Policy EN15 and the provisions of the NPPF.

Prior to the installation of any external lighting, a scheme which specifies the provisions to be made for the level of external illumination of the site and for the control of light pollution shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented prior to the development being brought into use and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15 and the provisions of the NPPF.



Proposed Landscape Proposals

PROPOSED LANDSCAPING.

STRATTON PLACE 17/044/AUL

